

EXHIBIT E

AFFIDAVIT OF AARON EDWARDS

I, Aaron Edwards, do hereby affirm under the penalty of perjury as follows:

On February 28, 2007, at about 10:40 AM, I inmate Edwards CDCR No. E-04025, Facility 'A' Building No. 3, cell No. 118L, witnessed the Control Officer of A3 along with Sergeant Galloway tell inmate Richard Crane, CDCR No. C-44519, that he had to use the same shower with his cellmate. Force him into a single man shower with another inmate.

On 02/28/2007, during the above incident I heard the Officer and Sgt. Galloway tell the inmate Crane A3 #124, if he didn't shower with his cellie, then he was refusing his shower. Crane went back into his cell without a shower.

I have filed a CDC 602 INMATE APPEAL on this issue of forcing two men into a single man shower, and the 602 Appeal was granted in my behalf; yet, these officers keep trying to force two men into a one man shower.

I, Aaron Edwards, affirm under the penalty of perjury that the foregoing is true and correct.

Dated: March 10, 2007.

 E-04025

Aaron Edwards, CDCR #E-04025

Memorandum

Date: March 15, 2007

To: Inmate EDUARDES, E-04025
Salinas Valley State Prison

Subject: SECOND LEVEL APPEAL RESPONSE LOG NUMBER-SVSP-A-07-00228

ISSUE:

The appellant states he is being denied a shower during modified lockdown programming because Facility-A requires him to shower with his cellmate in the same shower stall that has only one shower head and he refuses to shower with another person under one shower head. Appellant states he has appealed this issue on two past occasions with positive results. Appellant stated this issue continues to resurface as a result of lack of communication and education by upper management.

Appellant requests correction of this issue via a memorandum authored by the Facility-A Captain to inform all Facility-A staff to cease the practice of showering inmates under one shower head.

REGULATIONS: The rules governing this issue are:

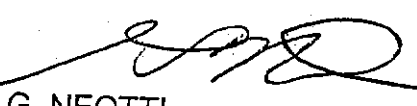
California Penal Code 2086 Temporary rules and regulations
CCR 3270 General Policy
CCR 3380 Chief Executive Officer

SUMMARY OF INVESTIGATION:

The FLR was completed on February 13, 2007. E. Best Correctional Sergeant interviewed the appellant at the FLR. R.A. Kessler, Correctional Lieutenant was assigned to investigate this appeal at the Second Level of Review. All submitted documentation and supporting arguments have been considered. Additionally, a thorough examination has been conducted regarding the claim presented, and evaluated in accordance with Salinas Valley State Prison (SVSP) Operational Procedures (OP); the California Code of Regulations (CCR); and the Departmental Operations Manual (DOM).

After reviewing all the facts in this matter, it was determined that staff complied with all the policies and procedures governing the shower program per the Facility-A Plan of Operations when Facility-A was on a "Modified Program." Appellant requested that this matter be addressed via a memorandum, and that the Plan of Operations be changed to read "One Inmate per single shower head" to eliminate any confusion from staff. The Plan of Operations will reflect showering as per their designed capacity.

DECISION: The appeal is Partially Granted. The appellant is advised that this issue may be submitted for a Director's Level of Review if desired.



G. NEOTTI
Chief Deputy Warden (A)
Salinas Valley State Prison